



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,257	12/20/2001	Tomofumi Watanabe	10449-041001	8985

7590 06/28/2006

FRANK R. OCCHIUTI  
Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804

EXAMINER

HUBER, PAUL W

ART UNIT PAPER NUMBER

2627

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/027,257

**Applicant(s)**

WATANABE ET AL.

**Examiner**

Paul Huber

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 is/are allowed.
- 6) ☒ Claim(s) 1,6,10,12,17 and 21 is/are rejected.
- 7) ☒ Claim(s) 2-5, 7-9,13-16 and 18-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2627

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6, 10, 12, 17 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Shimoda et al. (USP-6,442,115).

Regarding claim 1, Shimoda et al. discloses a data recording device for recording data on an optical disc 1 by irradiating a laser pulse on the optical disc 1 while controlling rotation of the optical disc 1 at a constant angular velocity. See figure 1 and col. 5, line 65, through col. 6, line 9. An absolute time information is recorded on the optical disc by wobbling the groove track 2 at a constant pitch. See figure 2. "Since the rotation control for the DVD-R 1 is performed so as to keep the rotation angular velocity constant in the present embodiment, the extracted wobble signal becomes a signal which has a wobble frequency varying in correspondence with the linear velocity" (col. 6, lines 26-31). By measuring the wobble frequency of the wobbled groove track, the disc radial position or absolute time information of the disc can be determined. See col. 6, line 51, through col. 7, line 26. Shimoda et al. further discloses a clock generating circuit 25 for generating a clock using the wobble component of the optical disc at a position at which the laser pulse is irradiated. A detection circuit 23, 24 detects the frequency count value of the wobble signal or absolute time information recorded on the optical disc. A laser condition varying unit 15, 16 changes a peak value (power value) of the laser pulse in accordance with the absolute time information of the optical disc at a position at which the laser pulse is irradiated.

Art Unit: 2627

Regarding claims 6 & 10, Shimoda et al. further discloses a laser condition varying unit 15, 26 for altering at least one of a pulse timing and a pulse width of the laser pulse based on the absolute time information (channel bit rate) recorded in the wobble groove track 2. See col. 7, lines 3-9, and col. 6, lines 36-41.

Regarding claim 12, a strategy specifying circuit 11 connected to the detection circuit 23, 24 specifies a peak value of the laser pulse in accordance with absolute time information.

Regarding claim 17, a strategy specifying circuit 26 connected to the detection circuit 23 specifies at least one of a pulse width and a pulse timing of the laser pulse in accordance with the absolute time information (channel bit rate) recorded in the wobble groove track 2.


Regarding claim 21, a strategy specifying circuit 11, 26 connected to the detection circuit 23 specifies a peak value of the laser pulse and at least one of a pulse width and a pulse timing of the laser pulse in accordance with the absolute time information recorded in the wobble groove track 2.

Claim 11 is allowed.

Claims 2-5, 7-9, 13-16 and 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication should be directed to Paul Huber at telephone number 571-272-7588.

  
Paul Huber  
Primary Examiner  
Art Unit 2627

pwh  
June 16, 2006